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Attorneys for Defendant
7 IDEXX DISTRIBUTION, INC.

8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**

10 MARNELLE MAC DULA, individually and on
11 behalf of all other similarly situated employees,

12 Plaintiff,

13 vs.

14 IDEXX DISTRIBUTION, INC., a
Massachusetts Corporation; and DOES 1 to
15 100, inclusive,

16 Defendants.
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Case No. 2:23-cv-01819-MCE-CKD

**JOINT STIPULATION TO STAY ALL
PROCEEDINGS PENDING MEDIATION
AND ORDER**

[Sacramento County Superior Court
Case No. 23CV005044]

Action Filed: July 19, 2023
Removal Filed: August 25, 2023

1 **TO THE CLERK OF THE UNITED STATES DISTRICT COURT, EASTERN DISTRICT**
2 **OF CALIFORNIA AND TO PLAINTIFF MARNELLE MAC DULA AND HER COUNSEL**
3 **OF RECORD:**

4 **WHEREAS** Plaintiff MARNELLE MAC DULA (“Plaintiff”) filed this civil class action
5 for damages against Defendant IDEXX DISTRIBUTION, INC. (“Defendant”) (collectively, the
6 “Parties”) on July 19, 2023;

7 **WHEREAS** Defendant removed this civil class action to federal court on August 25, 2023;

8 **WHEREAS** the Plaintiff filed her Motion to Remand the Action to State Court on
9 September 22, 2023.

10 **WHEREAS** Plaintiff’s Motion to Remand is fully briefed and the Parties await an Order,
11 without appearance and argument, by The Honorable Morrison C. England, Jr.

12 **WHEREAS** on October 19, 2023, the Parties to this Action agreed to an extension of time
13 for Plaintiff to file an Amended Pleading until fifteen days after the Order on the Motion for
14 Remand and an extension of thirty days thereafter for Defendant to file a responsive pleading.

15 **WHEREAS** the Parties to this Action agreed to mediate this matter with experienced
16 mediator, Steven G. Mehta, on March 27, 2024 (the “Mediation Date”).

17 **WHEREAS** the Parties desire to devote their resources to focus on potentially resolving
18 this matter in full at the mediation, and therefore, the Parties jointly request the Court to stay all
19 proceedings and not issue a ruling on Plaintiff’s pending Motion to Remand until 30 days after the
20 Mediation Date (*i.e.*, April 26, 2024).

21 **WHEREAS** the Parties agree this Stipulation does not waive any rights in this action,
22 including Plaintiff’s right to file an Amended Complaint and Defendant’s right to challenge the
23 same.

24 **NOW THEREFORE IT IS HEREBY STIPULATED THAT:**

- 25 1. All proceedings in this matter be stayed in full, including Plaintiff’s pending Motion to
26 Remand, until 30 days after the Mediation Date.

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1 2. The Parties jointly request the Court to preserve their respective rights in this action,
2 including Plaintiff's right to file an Amended Complaint and Defendant's right to
3 challenge the same.

4 3. All discovery shall be stayed during the period of the stay. However, the Parties shall
5 meet and confer in good faith, prior to mediation, regarding an informal exchange of
6 documents.

7 **IT IS SO STIPULATED.**

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9 DATED: December 6, 2023

SHIMODA LAW CORP.

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12 By: /s/ Brittany V. Berzin [authorized 12.6.23]
13 Galen T. Shimoda
14 Justin P. Rodriguez
15 Brittany V. Berzin

16 Attorneys for Plaintiff
17 MARNELLE MAC DULA

18
19 DATED: December 6, 2023

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

20 By: /s/ Alexandra M. Asterlin
21 Alexandra M. Asterlin
22 Kyle A. Wende

23 Attorneys for Defendant
24 IDEXX DISTRIBUTION, INC.

ORDER

THIS COURT, having read and considered the Joint Stipulation to Stay All Proceedings Pending Mediation by, between and among Plaintiff MARNELLE MAC DULA, and Defendant IDEXX DISTRIBUTION, INC., and finding good cause therefor, orders as follows:

1. This action is stayed in its entirety until thirty (30) days post-mediation, *i.e.*, April 26, 2024;
2. Plaintiff's Motion to Remand (ECF No. 10) is DENIED without prejudice to renewal no later than thirty (30) days following the conclusion of the parties' mediation.

IT IS SO ORDERED.

Dated: December 7, 2023



MORRISON C. ENGLAND, JR.
SENIOR UNITED STATES DISTRICT JUDGE